

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY DEC 2005

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

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Applicant's or agent's file reference 509549 DJS	<b>FOR FURTHER ACTION</b>		See Form PCT/IPEA/416
International application No. PCT/NZ2004/000224	International filing date (day/month/year) 17 September 2004	Priority date (day/month/year) 19 September 2003	
International Patent Classification (IPC) or national classification and IPC  Int. Cl.  <i>E04D 1/36</i> (2006.01)			
Applicant  HAYNES, Andrew, Leo et al			

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
  - a. ☒ (sent to the applicant and to the International Bureau) a total of 7 sheets, as follows:
    - ☒ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
    - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
  - b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or table related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items:
 

<input checked="" type="checkbox"/> Box No. I	Basis of the report
<input type="checkbox"/> Box No. II	Priority
<input checked="" type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/> Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/> Box No. VI	Certain documents cited
<input type="checkbox"/> Box No. VII	Certain defects in the international application
<input type="checkbox"/> Box No. VIII	Certain observations on the international application

Date of submission of the demand 18 April 2005	Date of completion of this report 6 December 2005
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustalia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer  <b>VINCE BAGUSAUSKAS</b> Telephone No. (02) 6283 2110

**Box No. I      Basis of the report**

1. With regard to the language, this report is based on:

☒ The international application in the language in which it was filed☐ A translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of:☐ international search (under Rules 12.3(a) and 23.1 (b))☐ publication of the international application (under Rule 12.4(a))☐ international preliminary examination (Rules 55.2(a) and/or 55.3(a))2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:☐ the international application as originally filed/furnished☒ the description:pages **1-13** as originally filed/furnished

pages\* received by this Authority on \_\_\_\_\_ with the letter of

pages\* received by this Authority on \_\_\_\_\_ with the letter of

☒ the claims:

pages as originally filed/furnished

pages\* as amended (together with any statement) under Article 19

pages\* **14-20** received by this Authority on **31 October 2005** with the letter of **26 October 2005**

pages\* received by this Authority on \_\_\_\_\_ with the letter of

☒ the drawings:pages **1-17** as originally filed/furnished

pages\* received by this Authority on \_\_\_\_\_ with the letter of

pages\* received by this Authority on \_\_\_\_\_ with the letter of

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.3. ☐ The amendments have resulted in the cancellation of:☐ the description, pages☐ the claims, Nos.☐ the drawings, sheets/figs☐ the sequence listing (*specify*):☐ any table(s) related to the sequence listing (*specify*):4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).☐ the description, pages☐ the claims, Nos.☐ the drawings, sheets/figs☐ the sequence listing (*specify*):☐ any table(s) related to the sequence listing (*specify*):

\* If item 4 applies, some or all of those sheets may be marked "superseded."

**Box No. III**      **Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application

☒ claims Nos: **5, 42**

because:

☐ the said international application, or the said claims Nos.

relate to the following subject matter which does not require an international preliminary examination (*specify*):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos.  
are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos.  
are so inadequately supported by the description that no meaningful opinion could be formed (*specify*)

☒ no international search report has been established for said claim Nos. **5, 42**

☐ A meaningful opinion could not be formed without the sequence listing; the applicant did not, within the prescribed time limit:

☐ Furnish a sequence listing on paper complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Preliminary Examining Authority in a form and manner acceptable to it.

☐ Furnish a sequence listing in electronic form complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Preliminary Examining Authority in a form and manner acceptable to it.

☐ Pay the required late furnishing fee for the furnishing of a sequence listing in response to an invitation under Rules 13ter.1(a) or (b) and 13ter.2.

☐ A meaningful opinion could not be formed without the tables related to the sequence listings; the applicant did not, within the prescribed time limit, furnish such tables in electronic form complying with the technical requirements provided for in Annex C-bis of the Administrative Instructions, and such tables were not available to the International Preliminary Examining Authority in a form and manner acceptable to it

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in electronic form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.

☐ See Supplemental Box for further details.

**Box No. V** Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

Novelty (N)	Claims	3, 11-14, 16-28, 30, 32-35, 44, 46	YES
	Claims	1, 2, 4, 6-10, 15, 29, 31, 36-41, 43, 45, 47-53	NO
Inventive step (IS)	Claims	3, 11-14, 16-28, 30, 32-35, 44, 46	YES
	Claims	1, 2, 4, 6-10, 15, 29, 31, 36-41, 43, 45, 47-53	NO
Industrial applicability (IA)	Claims	1-4, 6-41, 43-53	YES
	Claims		NO

## 2. Citations and explanations (Rule 70.7)

The relevant citation from the ISR is

D1) Derwent Abstract 2003-395053/38.

**NOVELTY (N) 1, 2, 4, 6-10, 15, 29, 31, 36-41, 43, 45, 47-53**

D1) discloses the use of a ridge cap flashing member that is adaptable to be conformed to the roofing material. In particular the surface of the flashing is aid to be "treated to give it a hydrophobic character". To the person skilled in the art this would be understood to include the use of paints. Furthermore the flashing is adhered to the roof material with the use of adhesive bands (15). There is no restriction in the present claim that the ridge overlying region does not have corrugations. Therefore the invention as defined in claims 1 and 39 is considered not to be novel over the prior art.

The features added by the appended claims 2, 4, 6-10, 15, 29, 31, 36-41, 43, 45, 47-53 are also identifiable in the citation.

**INVENTIVE STEP (IS) 1, 2, 4, 6-10, 15, 29, 31, 36-41, 43, 45, 47-53**

As for Novelty above